

**REMARKS**

Claims 4, 5, 28, 32, 35, 44-51, 56-59 and 61-66 have been canceled. Claims 67-93 have be added. Support for the subject matter of these claims can be found in the specification at least at pages 15-16 and 21-23 and in original Claims 4 and 5. No new matter has been added and entry is respectfully requested. After entry of the above amendments, Claims 67-93 are pending.

All of the currently pending claims have been canceled. New Claims 67-93 have be added. In view of the above amendments and pursuant to the provisions of 37 C.F.R. §41.50(b)(2), Applicants respectfully request that the application be remanded to the Examiner for reconsideration.

Claims 67-93 have be added. Claim 67 is directed to a method of treating a staphylococcal infection in a human subject, comprising: a) providing a subject comprising a staphylococcal infection, wherein said subject does not harbor a catheter or prosthetic device; and b) administering to said subject a recombinantly produced lysostaphin in a dose of 0.16 to 5.0 mg/kg/day. Claim 67 is patentable over the references of record. In particular, the references of record do not teach or reasonably suggest a method of treating a staphylococcal infection in a human subject as set forth in Claim 67 comprising administering lysostaphin in a dose of 0.16 to 5.0 mg/kg/day to said human subject. Claims 68-78 depend either directly or indirectly from Claim 67 and are also patentable over the references of record for at least the reasons set forth above with respect to Claim 67. Claim 79 is directed to a method of treating a staphylococcal infection in a human subject, comprising: a) providing a subject comprising a staphylococcal infection, wherein said infection comprises infection of an organ; and b)

administering to said subject a recombinantly produced lysostaphin in a dose of 5 to 20 mg/kg/day. Claim 79 is patentable over the references of record. In particular, the references of record do not teach or reasonably suggest a method of treating a staphylococcal infection in an organ of a human subject as set forth in Claim 79 comprising administering lysostaphin in a dose of 5 to 20 mg/kg/day to said human subject. Claims 80-93 depend either directly or indirectly from Claim 79 and are also patentable over the references of record for at least the reasons set forth above with respect to Claim 79.

### **CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,  
MERCHANT & GOULD P.C.

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